

AMENDED IN SENATE MARCH 23, 2011

SENATE BILL

No. 888

Introduced by Senator Lieu

February 18, 2011

~~An act to amend Section 3822 of the Labor Code, relating to workers' compensation. An act to add Section 594.37 to the Penal Code, relating to crime.~~

LEGISLATIVE COUNSEL'S DIGEST

SB 888, as amended, Lieu. ~~Workers' compensation: fraud: Crime: picketing.~~

Existing law makes it a crime for a person to disturb, obstruct, detain, or interfere with any person carrying or accompanying human remains to a cemetery or funeral establishment, or engaged in a funeral service or an interment.

This bill would make it a crime, punishable by a fine not exceeding \$1,000, imprisonment in a county jail not exceeding 6 months, or by both, for a person to engage in picketing, except upon private property, targeted at a funeral, as defined, during the time period beginning one hour prior to the funeral and ending one hour after the conclusion of the funeral. The bill would set forth related findings and declarations.

Because this bill would create a new crime, the bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

~~Existing law establishes a workers' compensation system, administered by the Administrative Director of the Division of Workers' Compensation, to compensate an employee for injuries sustained in the course of his or her employment.~~

~~Existing law requires the administrative director, on an annual basis, to provide to every employer, claims adjuster, 3rd-party administrator, physician, and attorney who participates in the workers' compensation system, a notice that warns the recipient against committing workers' compensation fraud. Existing law requires that the notice specify the penalties that are applied for committing workers' compensation fraud.~~

~~This bill would make a technical, nonsubstantive change in those provisions.~~

Vote: majority. Appropriation: no. Fiscal committee: ~~no~~-yes.
State-mandated local program: ~~no~~-yes.

The people of the State of California do enact as follows:

1 SECTION 1. (a) *The Legislature hereby finds and declares*
2 *the following:*

3 (1) *It is generally recognized that families have a substantial*
4 *interest in organizing and attending funerals for deceased relatives.*

5 (2) *The interests of families in privately and peacefully mourning*
6 *the loss of deceased relatives are violated when funerals are*
7 *disrupted by picketing.*

8 (3) *Picketing of funerals causes emotional disturbance and*
9 *distress to grieving families who participate in funerals.*

10 (4) *Full opportunity exists for the exercise of freedom of speech*
11 *and other constitutional rights at times other than within one hour*
12 *prior to or during the funeral and one hour following the*
13 *conclusion of a funeral.*

14 (b) *The purpose of this act is to protect the privacy of grieving*
15 *families and to preserve the peaceful character of cemeteries,*
16 *mortuaries, and churches during the time one hour before and one*
17 *hour after a funeral.*

18 SEC. 2. *Section 594.37 is added to the Penal Code, to read:*

19 594.37. (a) *It is unlawful, except upon private property, for a*
20 *person to engage in picketing targeted at a funeral during the time*
21 *period beginning one hour prior to the funeral and ending one*
22 *hour after the conclusion of the funeral.*

1 (b) Any violation of subdivision (a) is punishable by a fine not
2 exceeding one thousand dollars (\$1,000), imprisonment in a county
3 jail not exceeding six months, or by both that fine and
4 imprisonment.

5 (c) For purposes of this section:

6 (1) "Funeral" means the ceremony, or memorial service, held
7 in connection with the burial or cremation of a deceased person.

8 (2) "Picketing" means protest activities engaged in by any
9 person within 1,000 feet of a burial site, mortuary, or place of
10 worship.

11 (3) "Protest activities" includes oration, speech, use of sound
12 amplification equipment in a manner that makes speech or oration
13 audible to participants in a funeral, or similar conduct that is not
14 part of the funeral, before an assembled group of people.

15 (d) The provisions of this section are severable. If any provision
16 of this section or its application is held invalid, that invalidity shall
17 not affect other provisions or applications that can be given effect
18 without the invalid provision or application.

19 SEC. 3. No reimbursement is required by this act pursuant to
20 Section 6 of Article XIII B of the California Constitution because
21 the only costs that may be incurred by a local agency or school
22 district will be incurred because this act creates a new crime or
23 infraction, eliminates a crime or infraction, or changes the penalty
24 for a crime or infraction, within the meaning of Section 17556 of
25 the Government Code, or changes the definition of a crime within
26 the meaning of Section 6 of Article XIII B of the California
27 Constitution.

28 SECTION 1. ~~Section 3822 of the Labor Code is amended to~~
29 ~~read:~~

30 ~~3822. The administrative director shall, on an annual basis,~~
31 ~~provide to every employer, claims adjuster, third party~~
32 ~~administrator, physician, and attorney who participates in the~~
33 ~~workers' compensation system, a notice that warns the recipient~~
34 ~~against committing workers' compensation fraud. The notice shall~~
35 ~~specify all the penalties that are applied for committing workers'~~
36 ~~compensation fraud. The Fraud Assessment Commission,~~
37 ~~established by Section 1872.83 of the Insurance Code, shall provide~~

- 1 ~~the administrative director with all funds necessary to carry out~~
- 2 ~~this section.~~

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